

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LAWRENCE PETERSON,	:
Plaintiff	:
v.	: Case No. 3:14-cv-50-KRG-KAP
REVEREND MOBOLAJI WOJUOLA,	:
<u>et al.</u> ,	:
Defendants	:

Report and Recommendation

Plaintiff's motion at docket no. 9 styled "Motion for Relief 60(b)/ Objections to Court's Order/ Supplemental Complaint," whether considered under Fed.R.Civ.P. 59 or Fed.R.Civ.P. 60, was referred to me under 28 U.S.C. § 636(b) (3).


Plaintiff does not suggest an intervening change in controlling law or the availability of new evidence, and does not show the need to correct a clear error of law or prevent manifest injustice. See Wiest v. Lynch, 710 F.3d 121, 128 (3d Cir.2013) (discussing three purposes of motion under Fed.R.Civ.P. 59). He does slightly tweak what he claims he wants, which is "the Kosher diet already provided to Jewish inmates." Plaintiff does not claim that he ever made a request like this to representatives of the Pennsylvania Department of Corrections, much less that his request was denied; his amended complaint in fact claimed that he sought a vegetarian diet of whole food that is "similar to" the cold kosher diet. Also, plaintiff writes that the court failed to consider his claim that "the gastrointestinal distress caused by the vegetarian diet substantially burdened his religious activities." There is no such claim in the amended complaint;

further, the plaintiff's statements make no sense, since they argue that because the plaintiff by his religious choice of diet burdened his own religious activities the defendants are liable to him.

Litigation is not a trial and error process, much less one where all one has to do is throw enough words down on paper that virtually anything can be extracted from them if they are rearranged. The motion should be denied.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

DATE: June 3, 2014



Keith A. Pesto,
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

Lawrence Peterson EK-2899
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000